

### **REMARKS**

Applicants have carefully reviewed the Office Action mailed November 3, 2008, and thank Examiner Diaz for his detailed review of the pending claims. In response to the Office Action, Applicants have amended claim 1 and added new claims 20 and 21. By way of this amendment, no new matter has been added. Accordingly, claims 1-21 remain pending in this application. At least for the reasons set forth below, Applicants respectfully traverse the foregoing rejections.

As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03. Applicants respectfully request reconsideration of the present application in view of the above amendment, the new claims, and the following remarks.

### **New Claims**

New claim 20 finds support in, at least, claims 1 and 9, as originally filed.

New claim 21 finds support in, at least, claim 1, as originally filed, page 14, lines 10-36 and FIGS. 10 and 11.

### **Specification**

The specification has been amended to correct a typographical error where figures were misidentified and to provide consistency between FIGS. 10 and 11, page 7, lines 8-14, and page 14, lines 10-36.

### **Claim Rejections – 35 U.S.C. § 103**

Claims 1-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Okubo et al (U.S. Patent No. 4,608,877) in view of Meyers et al. (U.S. Patent No. 4,892,001).

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j).

Independent claim 1 positively recites "each of the first shift and the second shift rail include a flat side, and a trough-like depression extending through the flat side thereby defining a reduced wall area, and wherein each reduced wall area includes an aperture formed therein for use as an interlocking element." (in the illustrative example of FIG. 8 and page 9, lines 3-21, the depression 39 at least partially defines the reduced wall area 41b having a cutout 42b formed therein). The Examiner asserts that "Meyers et al. teaches ... a trough-like depression (fig. 3, flat side of 32 or 33)." However, Meyers does not illustrate any "trough-like depression" on the flat side of the connector bars 32, 33. The only features illustrated in Meyers that may be a depression are the notch 32a of the connector bar 32, and the notch 33a of the connector bar 33. However, the Examiner has identified each notch 32a and 33a as the "aperture formed therein for use as an interlocking element," as recited in claim 1. The depression of a shift rail and the aperture of the shift rail are recited as different elements in independent claim 1. Thus, the combination of Okubo and Meyers does not teach every recitation of independent claim 1, as required in *In re Royka*.

Dependent claims 2-19 are also patentable by being dependent on an allowable base claim. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested

### **Conclusion**

In view of the above amendment and remarks, the pending application is in condition for allowance. If, however, there are any outstanding issues that can be resolved by telephone conference, the Examiner is earnestly encouraged to telephone the undersigned representative.

It is believed no fees are due with this response. However, if any fees are required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge our Deposit Account No. 18-0013, under Order No. 65856-0061 from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. §1.136 is hereby made, the fee for which should also be charged to this Deposit Account.

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(The 3<sup>rd</sup> falling on a Saturday)

Respectfully submitted,

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